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Letter dated 20 January 2011 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to the letter dated 23 December 2010 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General, by which a press release issued by the Ministry of Foreign Affairs of Turkey on 21 December 2010 was circulated as a document of the United Nations (A/65/674-S/2010/674), I have the honour to transmit herewith a press release issued in response by the Ministry of Foreign Affairs of the Republic of Cyprus on 22 December 2010 (see annex).

Allow me to underline that it is not within the competency of Turkey to issue official statements on the sovereign action of independent States undertaken in accordance with international law and practice.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Minas A. **Hadjimichael**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

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Annex to the letter dated 20 January 2011 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Statement by the Ministry of Foreign Affairs, 22 December 2010

Regarding the statement made by the Turkish Foreign Ministry concerning the signing of the Agreement between the Republic of Cyprus and the State of Israel on the Delimitation of the Exclusive Economic Zone, the Ministry of Foreign Affairs notes:

The recent Agreement on Delimitation of the Exclusive Economic Zone, which was co-signed by the Republic of Cyprus and the State of Israel, was within the framework of exercising the Republic's sovereign rights. Issues concerning the Republic of Cyprus and the exercise of its sovereign rights do not concern any third State. The conclusions of the recent European Union (EU) Foreign Ministers Council, which were subsequently adopted by the EU Summit, reiterate the right of all Member States to exercise their sovereign rights. More specifically, the text states: "The EU stresses again all the sovereign rights of EU Member States which include, inter alia, entering into bilateral agreements, in accordance with the EU acquis and international law, including the United Nations Convention on the Law of the Sea."

The Republic of Cyprus is the only legitimate state in Cyprus, which is fully and internationally recognized and represents the people of Cyprus as a whole, including Turkish Cypriots. Turkey not only does not have the authority to question the legitimacy thereof, but it has the obligation to recognize the Republic of Cyprus, within the framework of its EU accession course, as provided for in the Declaration of the EU Council in September 2005.

The International Agreements signed by the Republic of Cyprus and the activities in which it is engaged in order to promote its economic interests are by no means related to and cannot influence the negotiations on the Cyprus issue. These agreements involve and benefit the people of Cyprus as a whole. What prevents Turkish Cypriots from benefiting of the initiatives of the Republic of Cyprus is the illegal Turkish occupation of the northern part of Cyprus. Therefore, Turkey should actively and in concrete terms contribute in the efforts to resolve the Cyprus issue.

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Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (for the period from 21 September 2010 to 7 January 2011)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1912 (2010), by which the Council extended the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT) until 26 February 2011. It covers the major developments in Timor-Leste and the implementation of the Mission's mandate since 20 September 2010. My Special Representative, Ameerah Haq, continued to lead the Mission and to coordinate with United Nations system actors and other stakeholders. She was assisted by Finn Reske-Nielsen, Deputy Special Representative of the Secretary-General for Governance Support, Development and Humanitarian Coordination, and by Shigeru Mochida, Deputy Special Representative of the Secretary-General for Security Sector Support and Rule of Law. UNMIT continued its "one United Nations system" approach, consistent with its integrated strategic framework.

II. Political and security developments since September 2010

2. The overall situation in Timor-Leste during the reporting period was calm, with general trends showing further progress towards long-term peace, stability and development. The desire for continued peace, stability and unity was reflected in the New Year's messages of several national leaders. In his address on 31 December 2010, the President of Timor-Leste, José Ramos-Horta, emphasized the importance of fostering national unity and dialogue and credited the visible progress made since 2006 to the combined efforts of his Office, the Government, party leaders, including leaders of the Frente Revolucionária do Timor-Leste Independente (Fretilin), the security forces, civil society, the Catholic Church, bilateral and multilateral partners, the United Nations and the international security forces, among others. On 3 January, the Secretary of State for the Council of Ministers issued a press release stressing that the Government would mobilize resources to ensure peace, growth and a prosperous Timor-Leste for all future generations. In his message of 15 December, the Secretary-General of Fretilin, Mari Alkatiri, called for the Timorese to unite to defend the Constitution's principles and the democratic rule of law and to reject the

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use of violence for obtaining political power, and appealed for 2011 to be the year of building trust among all Timorese and of national solidarity.

3. Following the public consultations held by the Prime Minister, Kay Rala Xanana Gusmão, in all subdistricts earlier in 2010 on the draft National Strategic Development Plan covering the period from 2011 to 2030 (see S/2010/522, para. 3), the draft Plan has yet to be finalized. However, taking account of the draft Plan, the Government submitted the 2011 State budget proposal to the National Parliament for approval on 15 November. At parliamentary committee hearings in November and December, members of the Government explained State expenditures and the programmes implemented in 2010 and defended their proposed budget allocations for 2011. Reflecting various concerns on the part of the public about the perceived wastage of public funds and growing corruption, members of Parliament questioned certain large-scale public investment projects, such as the ongoing construction of a new power plant and a national electricity grid, and raised allegations of misuse of funds, including for the purchase of vehicles, fuel and rice. Some members of Parliament also raised concerns about the proposal of the Government to establish a dedicated infrastructure fund to manage more than one third of the budget, which could be carried over from year to year and reallocated without approval by the Parliament.

4. A major Government initiative was the meeting organized from 27 to 29 December in Dili with all 442 *suco* (village) chiefs, which was opened and closed by the Minister of State Administration and Territorial Management. The forum provided the Government and *suco* chiefs with an opportunity to discuss the Government's development plans for 2011, in particular in the areas of education and agriculture.

5. The national police resumed its primary responsibility for the conduct of police operations in an additional two districts and three units, for a total of 10 districts and six units to date. Despite the general calm that prevailed during the reporting period, a number of violent incidents between youth groups occurred. One of the most serious took place on 16 December in Ermera District; one person was killed, two were injured and 24 houses were destroyed. Three other persons died in separate violent incidents involving clashes between martial arts groups in Baucau District during the period from 1 to 3 January. Those incidents, while a source of concern, were the result of local disputes and did not have any significant impact on the overall security environment.

6. Bilateral relations between Indonesia and Timor-Leste remain strong. Prime Minister Gusmão and President Susilo Bambang Yudhoyono held a bilateral meeting at the Bali Democracy Forum on 10 and 11 December. At the Forum, Indonesia expressed its willingness to support the desire of Timor-Leste to become a member of the Association of Southeast Asian Nations during its presidency in 2011.

A. Support for dialogue and reconciliation

7. My Special Representative continued her good offices efforts through regular meetings with President Ramos-Horta; the Prime Minister; the President of Parliament, Fernando "Lasama" de Araújo; and the Secretary-General of Fretilin. She also continued to host meetings with representatives of all political parties, including those without parliamentary representation, as well as with women

political party representatives. My Deputy Special Representative for Governance Support, Development and Humanitarian Coordination continued to hold regular meetings with the Deputy Prime Minister to discuss issues related to accountability and governance, food security, school feeding programmes and disaster risk preparedness. My Deputy Special Representative for Security Sector Support and Rule of Law continued to hold meetings with the Secretaries of State for Security and for Defence to discuss policing and broader security-sector issues, with a particular focus on completion of the certification process for national police officers, the ongoing resumption of policing responsibilities by the national police, and the measures required to maintain security and stability through the crucial electoral period in 2012.

8. On 21 September, Parliament began plenary deliberations on the draft laws on reparations and on the follow-on institution to the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship (see S/2010/85, para. 76), which followed broad consultations with other State institutions, civil society, religious leaders and victims' organizations. The debate reflected the differing views on whether the institution should be an autonomous or a Government body and on the definition of victims. On 29 September, Parliament postponed any further debate on the draft laws until February 2011 following a request, presented by 12 members of Parliament (representing parties within and outside the Government), that the existing legislation on veterans be discussed prior to further consideration of the draft laws. In that context, several members of Parliament maintained that certain issues, such as who qualifies as a veteran and what kind of subsidy or recognition should be given veterans, need to be better defined before the issue of reparations for victims can be resolved.

9. With the support of the President, the concluding conference of the national consensus dialogue on truth, justice and reconciliation was held from 21 to 23 October, co-chaired by the President of the National Parliament and Norway's Special Envoy to Timor-Leste, Bishop Gunnar Stålsett. The conference facilitated dialogue among the Government, members of Parliament and other Timorese leaders on issues of justice and reconciliation, with the opening session bringing together the President, the President of the National Parliament, the Prime Minister and the Secretary-General of Fretilin. The issues discussed included the handling of the Maternus Bere case (see S/2009/504, para. 33), reparations for victims of human rights violations committed between 1974 and 1999, and prosecution of serious crimes committed in 1999. President Ramos-Horta cited the good bilateral relationship with Indonesia and emphasized that justice must take into account the particular situation of Timor-Leste and balance punitive and restorative elements. The Prime Minister, in referring to the current climate of stability, indicated that instability and violence do not arise simply from problems of formal justice but also result from a lack of social justice. The national consensus dialogue, started in 2009, was guided by a national steering committee composed of representatives of all political parties, with assistance provided by non-governmental organizations, the Catholic Church, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNMIT.

10. My Special Representative held a round-table discussion on 24 November with representatives of women's civil society organizations, supported by the United Nations Development Programme (UNDP) and the United Nations Development Fund for Women (UNIFEM, now part of UN-Women), as part of the

commemorative activities marking the tenth anniversary of Security Council resolution 1325 (2000) (see S/2010/522, para. 11). The meeting welcomed the promulgation of the law against domestic violence and the related follow-up action, including for its implementation, and reaffirmed the importance of continued efforts to strengthen the right of women to own land and to increase their participation in political processes. My Special Representative also briefed the meeting on the launch of the report of the cross-learning process of Ireland/Northern Ireland, Timor-Leste and Liberia on resolution 1325 (2000) on 25 October in New York, the culmination of a three-year initiative among those countries. On 9 December, the Youth Parliament, which was inaugurated by the Secretary of State for Youth and Sport in August (see S/2010/522, para. 11), held its first session in Dili, at which the President of the National Parliament also addressed the 130 delegates. This initiative of the Secretary of State continues to be supported by the United Nations Children's Fund (UNICEF).

11. With support from UNDP, the Minister of Social Solidarity inaugurated, on Human Rights Day on 10 December, the Department of Peacebuilding and Social Cohesion, as part of the National Directorate of Social Assistance. The Department will aim to strengthen conflict prevention, peacebuilding and social cohesion capacities at both the national and the community levels, promote increased participation by women in peacebuilding initiatives, and mainstream conflict-sensitive development processes.

B. Enhancing democratic governance

12. On 29 September and 24 November, the Council of Ministers approved amendments to the laws on presidential elections, parliamentary elections and the electoral management bodies. Those amendments have been submitted to the Parliament for approval and are expected to be debated early in 2011. Once promulgated, they will allow for the organization of elections, currently planned for 2012. UNMIT and UNDP continued to support the electoral management bodies (the National Electoral Commission and the Technical Secretariat for Electoral Administration) in consolidating institutional capacities so as to be able to conduct future elections with less international support than had been required for the 2007 national elections (see para. 64). In particular, support was provided to the exercise conducted in December aimed at updating the voter registration list and in the context of various training programmes with political parties focused on fostering women's participation in the electoral process as both candidates and voters. In response to the 1 October letter from the Director of the Technical Secretariat for Electoral Administration to UNMIT requesting United Nations support for the 2012 electoral process, and as conveyed in a 10 October letter to him, a needs assessment mission will be conducted by the Electoral Assistance Division of the Department of Political Affairs early in 2011 to determine the scope and kind of support needed, in liaison with the electoral management bodies and other stakeholders.

13. On 7 December, the Anti-Corruption Commission organized, in coordination with the Office of the President, the National Parliament and the Office of the Prime Minister, a seminar for members of Government and senior civil servants on issues relating to the eradication of corruption. The participation of the Prime Minister, the Vice-President of the National Parliament, the Prosecutor-General and the Secretary-General of Fretilin, inter alia, was encouraging and reflected broad

support for anti-corruption measures. On 9 December, in commemorating International Anti-Corruption Day, the Anti-Corruption Commission conducted a swearing-in ceremony of 10 newly recruited investigators, including two women, which was attended by the President of the National Parliament. On 20 October, the Court of Appeal, exercising the constitutional powers attributed to the High Administrative, Tax and Audit Court, which has not yet been established, issued its first audit report on the 2009 State budget, which included criticism of accounting for public funds, in particular a lack of sufficient detail in the relevant documents to allow for a proper analysis of expenditure. Although limited in scope, the report set a precedent for a judicial review of public accounts.

14. In a letter dated 15 September, the Prime Minister informed the President of the National Parliament that indictments had been filed against the Deputy Prime Minister and the Minister for Foreign Affairs for the crimes of illegal enrichment and abuse of authority. In a 23 November press release, the Ministry of Foreign Affairs informed that the President of the Panel of Judges of Dili District Court had provided notification that day that he had rejected all accusations filed against the Minister for Foreign Affairs. In response to an appeal by the Office of the Prosecutor, the Court of Appeal, on 13 December, upheld the District Court's decision. On national television, on 25 November, the Prime Minister indicated that he had received notification from the Dili District Court that he should suspend the Deputy Prime Minister, but that the Government would await a Court of Appeal judgment on an appeal lodged by the defence team before making a decision. The trial is currently scheduled to begin in March 2011. Encouragingly, all political leaders who have made public statements about the indictments, including the Prime Minister, emphasized the need to respect judicial processes.

15. During the reporting period, UNMIT, in collaboration with national stakeholders, organized three democratic governance forums, which provided further opportunities for citizens to interact with their national leaders. The forums focused on issues relating to natural-resource management, veterans and the Millennium Development Goals; participants included members of Parliament, civil servants and representatives of the media and civil society. The Civil Service Commission developed a policy on the conversion of temporary civil service staff to permanent status, which was approved by the Council of Ministers on 13 October. Of the approximately 50 per cent of civil servants currently on temporary contracts (some 13,000), 31 per cent are women. The Civil Service Commission also developed, with UNDP support, a personnel management information system to facilitate informed decision-making and career planning for civil servants.

16. Since the development of the medium-term strategy in February 2009 (see S/2009/72, para. 47), there has been some progress towards the objectives and benchmarks relating to a culture of democratic governance and dialogue. The establishment of the Civil Service Commission in August 2009 was a positive step towards the creation of an effective civil service. The Government has further developed its capacity to utilize local media to reach out to communities in order to explain its policies and programmes, and increased efforts have been made by most ministries to engage with the media. The Government has also increased its development expenditure in the districts, although there remains a limited capacity among district-based civil servants and community leaders to implement and monitor public expenditure. Further, the Parliament continued to exercise oversight over Government activities, with the Fretilin opposition actively participating in and

contributing to parliamentary debates. Perhaps the most prominent indicator of long-term stability and recovery of Timor-Leste from the events of 2006 will be a peaceful electoral process in 2012. While this will require that the national elections be credible and transparent, successful elections alone will not guarantee democratic governance. An understanding of, and respect for, the checks and balances among the four pillars of sovereignty have yet to become firmly entrenched. As noted above (see para. 3), concerns also exist over the possibility of growing corruption, although the first audit report by the Court of Appeal and the establishment of the Anti-Corruption Commission point to a gradual increase in institutional capacities to combat corruption. In this context, UNMIT has continued to provide legal and policy advice and support to the Commission.

C. Maintenance of public security

17. The security situation in the country remained stable, with no major incidents of public disorder or spikes in reported crime, including in districts where the national police had resumed primary policing responsibilities. Several events involving large public gatherings were held in a peaceful manner, including Independence Day celebrations on 28 November and political party activities conducted throughout the country during the reporting period. In Dili, on 18 October, approximately 80 people demonstrated over planned land evictions, and, on 10 November, about 100 university students demonstrated in front of the National Parliament over the lack of adequate transportation assistance for students. Both demonstrations were peaceful, and participants cooperated with the police.

18. There was a planned reduction in the UNMIT police strength during the reporting period, with 1,480 officers (including 76 women) deployed as at 7 January, 523 of whom were in the formed police units. Of those, 326 officers were deployed in Dili (including 140 in the Malaysian unit, 140 in the Portuguese unit and 46 in the Pakistani unit), and 197 in other districts (including 105 in the Bangladeshi unit in Baucau and 92 in the Pakistani unit, with 66 in Bobonaro and 26 in Ermera). While UNMIT police continued to perform the mandated task of interim law enforcement, they increasingly focused their efforts, with the continued progression of the resumption of primary policing responsibilities by the national police, on supporting the training, capacity-building and institutional development of the national police. Close liaison with the international security forces continued.

19. At the last technical meeting on border demarcation, held in Bogor, Indonesia, from 27 to 29 August (see S/2010/522, para. 20), it was decided that a meeting would be held in November to address recent incidents in unresolved areas along the border in Oecussi District. However, the meeting has since been postponed. In a positive development, joint technical work was undertaken between 27 November and 8 December to inspect border markers and make improvements to the geodetic network. It is hoped that both parties will continue to engage in discussions aimed at the completion of the demarcation of the remaining unresolved areas of the border (about 3 per cent of the total length of the land border), in adherence to the previously agreed technical criteria for the demarcation.

20. Military liaison officers from UNMIT continued to facilitate effective working relationships between the border security agencies of Timor-Leste and of Indonesia, and to monitor the security situation along the border and throughout Timor-Leste.

UNMIT police also continued to co-locate with the Border Patrol Unit of the Polícia Nacional de Timor-Leste at the five border-crossing points with Indonesia, conducting joint patrols and providing support and advice. The Border Patrol Unit conducted eight joint patrols with the Indonesian military in unresolved border areas in Oecussi District between 20 October 2010 and 7 January 2011.

D. Support for and institutional strengthening of the security institutions

21. On the basis of the agreement concluded by the Prime Minister and my former Special Representative on 13 May 2009 (see S/2009/504, para. 20), the national police resumed primary policing responsibilities in Aileu District on 21 September and in Manufahi District on 24 September, as well as for the Border Patrol Unit, the migration service and the national cabinet of INTERPOL on 28 September. In total, the national police has resumed primary policing responsibilities in 10 districts and six units, while Covalima District and two units (the Office of the General Inspectorate and Audit and the national criminal investigation service) have met the requirements and the dates for resumption are to be set. The resumption of primary policing responsibilities in the remaining two districts of Bobonaro and Dili by the national police is pending the joint technical team's recommendation. Further assessments will be scheduled in January 2011 for the remaining four units previously determined as not ready for resumption. In the meantime, and as noted in my previous report (S/2010/522, para. 22), UNMIT police and the national police jointly developed and implemented measures aimed at further enhancing the latter's institutional capacity in order to facilitate eventual resumption in all remaining districts and units. The measures included the enhancement of the logistical capacity of the national police and targeted joint training by UNMIT police and the national police in areas including administrative skills, the investigation of gender-based violence, the countering of human trafficking and community policing. During the reporting period, the police training centre, with the technical assistance of the relevant UNMIT offices and United Nations country team and bilateral partners, offered 61 training courses on core policing functions as well as on issues including human rights, gender awareness, domestic violence, vehicle maintenance, and supply and logistics to 1,321 national police officers. In addition, UNMIT police provided training to 40 national police officers to prepare them for possible service in United Nations peacekeeping missions in future. Eight of those officers passed the United Nations selection assistance team assessment and have been recommended by the Secretary of State for Security for deployment to a mission.

22. In districts and units where the national police has resumed primary responsibility for the conduct of police operations, UNMIT police continued to play an important role in advising, training, capacity-building and monitoring, and also remained available to extend operational support and assistance to the national police in the event of extreme circumstances if so required and requested. UNMIT formed police unit officers continued to provide capacity-enhancement courses for the special police unit of the national police, including the sixth in a series of close security protection courses and eight refresher courses on riot control. As regards the 19 additional civilian expert posts within the UNMIT police component, which will sharpen the focus on strengthening capacity-building for and institutional development of the national police in specific areas (see S/2010/522, para. 59), as at

7 January, five experts had been selected and another five recommended for recruitment, and candidates were being vetted for the nine remaining posts.

23. At the meeting of the High-Level Committee on Transition of the Government and UNMIT, chaired by the President, held on 25 November (see paras. 55 and 56 below), the General Commander of the national police made a presentation on the strategic development plan for the police for 2011-2012, outlining five major areas for its further development — legislation, training, administration, discipline and operations — as well as specific recommendations for UNMIT police support in each area. A joint UNMIT police and national police working group, established in September to develop a plan for further capacity-building support by UNMIT for the national police following the latter's resumption of primary policing responsibilities in all districts and units, will now focus on these five major areas. Those efforts, aimed at promoting Timorese leadership, are expected to ensure mutual agreement by the national police and UNMIT police with regard to capacity-building objectives, modalities and training content, which will be critical for an effective outcome. The plan will be reflected in an exchange of letters, which is being negotiated between UNMIT and the Government and will provide for new arrangements which differ, by mutual agreement, from the relevant provisions of the 2006 supplemental policing arrangement. Under the new arrangements, the handover of policing responsibility to the national police will mark the beginning of the reconstitution phase and precede the certification of full reconstitution and capability, which will come at the end of the reconstitution phase.

24. Following the dismissal of four national police officers — one in June and three in December 2010 — by the General Commander of the police, 199 officers (including 11 women) have yet to be finally certified owing to pending criminal or disciplinary issues. The Government has indicated that 52 of those 199 face serious disciplinary and criminal charges, while the remaining 147 are alleged to have committed comparatively minor offences. However, in a letter dated 28 December 2010 addressed to Prime Minister and Minister for Defence and Security Gusmão, the Secretary of State for Security communicated his decision to certify the 199 officers, stating that those officers would not be exempt from any criminal or disciplinary liabilities if found guilty at the outcome of proceedings. That decision was submitted on the basis of the review and recommendation of the new mechanism for certification established by the Government, which utilizes the Office of the General Inspectorate and Audit and the commission to follow up on the process of promotion in the Secretariat of State for Security, which replaced the Timorese-led Evaluation Panel, whose mandate expired on 31 December 2009 (see S/2010/522, para. 21). My Special Representative has conveyed her concerns to the Timorese leadership regarding the certification of the 52 officers who face serious criminal charges.

25. On 23 December 2010, the Secretary of State for Security and the General Commander of the national police officially announced the planned recruitment of an additional 250 officers, to begin in January 2011. Recruitment efforts will be targeted at Timorese nationals between 18 and 23 years of age; women are to represent at least 10 per cent of the candidates.

26. The International Organization for Migration continued to support migration and border management, in particular the migration service's transition to an agency independent of the national police, by providing technical legal support for the

revision of the immigration and asylum law and the initial stage of implementation of a border management information system at key border posts. Counter-trafficking activities by the Inter-Agency Trafficking Working Group, chaired by the Ministry of Foreign Affairs, continued, as did assistance to trafficked persons under the Millennium Development Goal Achievement Fund Joint Programme.

27. The Secretariat of State for Defence and the Timorese armed forces, Falintil-Forças de Defesa de Timor-Leste (F-FDTL), continued its efforts to develop the human resource and institutional capacities of F-FDTL, with UNMIT providing advice on the F-FDTL force development plan 2011-2015 and the plan for 2016-2020. Early in October, Prime Minister Gusmão, in his capacity as Minister for Defence and Security, approved the new F-FDTL force structure, which envisages the recruitment of an additional 600 members. A new organic law for F-FDTL, a draft law on military programming and a draft law on military procurement are under preparation. Various training activities were undertaken by F-FDTL during the reporting period, with support by UNMIT and other United Nations and bilateral partners, including on human rights, the media, and disciplinary and investigative procedures for the military police. The UNMIT military liaison officers provided ongoing mentoring of F-FDTL officers in preparation for their deployment to the border areas as liaison officers, as well as mentoring to a limited number of officers to prepare them for possible service in United Nations peacekeeping missions in future.

28. The justice section of F-FDTL, formed in June 2010 and mandated to conduct disciplinary investigations, initiated two high-profile investigations during the reporting period. One case, involving the illegal use of a firearm, resulted in the dismissal of the offending officer, and the other, an incident of alleged assault that resulted in the death of a civilian, is now before the justice system (see S/2010/522, para. 31). To date, no investigations have been initiated by the justice section into 2006 crisis-related cases allegedly involving F-FDTL officers. According to the Code of Military Discipline (Decree Law 17/2006), the justice section has five years to initiate an investigation into an incident after its occurrence. As at 7 January, the three F-FDTL members convicted of homicide and attempted homicide in the shooting deaths of eight national police officers on 25 May 2006 continue to serve and have not been subjected to any internal disciplinary measures (see S/2010/522, para. 34).

29. Progress towards achieving the objectives and benchmarks of the medium-term strategy in the area of support for security institutions has been mixed. Although the national police has enhanced its internal disciplinary measures, further efforts are required to follow up on reported cases (see para. 33 below). While the F-FDTL justice section, established in June 2010, has begun to deal with disciplinary cases, it also requires further strengthening, particularly as regards the training of middle- and senior-level officers on the handling of disciplinary issues. In general, civilian oversight of the national police and F-FDTL, in particular the latter, could be further strengthened. While the roles and responsibilities of the police and F-FDTL have been addressed by legislation, further clarity and delineation is required at the operational level and through a continued engagement at the political level.

E. Support for a comprehensive review of the security sector

30. As noted in my previous report, the Government has made notable progress in developing the overarching legislative and policy framework for the security sector (S/2010/522, para. 29) and, during this process, has addressed many of the elements identified in the draft comprehensive review of the security sector. While the national security, national defence and internal security laws were promulgated in April 2010 (see S/2010/522, para. 29), further subsidiary legislation, regulations and policies are still required. The Secretary of State for Security indicated at a 26 November parliamentary hearing that the proposed 2011 State budget referred to the establishment of relevant mechanisms and processes. The draft national security policy, which will complement the aforementioned laws and in combination therewith provide an overall framework for the security sector, was recently returned for revision to the Secretariat of State for Security following a review by the Council of Ministers (see S/2010/522, para. 29).

31. The finalization of the draft document on the comprehensive review of the security sector has been delayed. Currently, the Government and the Office of the President are reviewing the document, in consultation with UNMIT. While it appears unlikely that the document will be finalized in the near future, many of the elements identified in the draft document have already been addressed, as noted above (see para. 30), and, once finalized, it will serve as a useful reference document.

32. In the meantime, the efforts made by the United Nations during the reporting period concentrated on capacity-building and technical assistance, mainly through the joint UNMIT/UNDP project (see S/2009/72, para. 24). Initiatives funded under the project included support for the establishment of the National Defence Institute, which opened on 22 December. Support was also provided for civil protection, including in the area of response to complex emergencies and natural disasters, and for fire services. Training programmes were provided on security-sector strategic planning, management, and technical and operational areas, such as radio communications and maintenance, civil guards, private security and early warning. Civil society engagement and policy debate on security-sector issues were fostered by small grants to civil society organizations and outreach on new security-sector-related laws. In addition, technical assistance was provided to various State institutions through the funding of 16 advisers (eight of whom are national). The United Nations will continue to support the Government in the further strengthening of the security sector through the provision of capacity-building initiatives and technical assistance.

III. Promotion of human rights and justice

A. Support for the monitoring, promotion and protection of human rights

33. During the period under review, UNMIT received allegations of 18 cases of human rights violations by members of the national police and four by those of F-FDTL. An increased implementation of internal disciplinary measures for members of the security forces, in particular of the police, was noted. Improvements

to the police disciplinary mechanisms included better documentation of complaint processes, upgrades to the database used to register complaints, the initiation of investigations on the basis of reports from sources other than the victim, and stronger enforcement measures to ensure the implementation of disciplinary decisions. However, the police, the prosecution and the courts were slow to address cases of violations. For example, no indictments have been filed in relation to an alleged shooting incident by police officers on 28 December 2009, that resulted in the death of one civilian and injury to another (see S/2010/85, para. 9, and S/2010/522, para. 31). In addition, no indictment has yet been filed in the case of an alleged severe assault by members of F-FDTL against a civilian on 27 August 2010. That resulted in his death (S/2010/522, para. 31). In the case of an alleged shooting by a police officer on 21 November 2009 (S/2010/522, para. 31) that resulted in serious injury to a civilian in Dili, the officer, who was charged with aggravated physical assault and negligent physical assault in December 2010, was acquitted by the Dili District Court on 3 January 2011 owing to lack of evidence. In a positive development, the investigation into the case of the alleged killing of a civilian by police officers on 3 June 2007 in Viqueque District, which had previously been closed on the grounds of lack of evidence, was ordered reopened by the Office of the Prosecutor-General and is currently under review by its office in Baucau District.

34. Although domestic violence is considered a public crime under the 2009 Criminal Code, a number of cases involving domestic and other gender-based violence continued to be resolved through traditional mechanisms not always consistent with international human rights standards. Through the Millennium Development Goal Achievement Fund Joint Programme, the United Nations Population Fund (UNFPA) and UNIFEM are supporting the Secretary of State for the Promotion of Equality in efforts to conduct training of community leaders, teachers and students with a view to raising awareness and leading dialogues on how to stop domestic violence, as well as to provide information on the law against domestic violence (see S/2010/522, para. 39). UNIFEM also continued to provide technical assistance to members of Parliament to help ensure gender-responsive budgeting, including with respect to the allocation of resources for the implementation of the law against domestic violence.

35. Progress continued to be slow with respect to holding accountable those responsible for crimes and serious violations of human rights during the 2006 crisis, including as recommended by the Independent Special Commission of Inquiry (see S/2006/628, para. 24, and S/2010/522, para. 34). As at 7 January 2010, final judgements had been rendered in seven cases, resulting in nine convictions and 43 acquittals, while four cases had been closed. Further to an indictment filed by the Office of the Prosecutor-General against 15 individuals and requesting the arrest of six of them in connection with the arson of the De Silva family house on 25 May 2006, which resulted in the death of six relatives of the then Minister of Interior, Rogério Lobato, five of those individuals were arrested on 11 November and currently remain free under restrictive measures pending trial.

36. Initiatives to strengthen the Office of the Provedor for Human Rights and Justice continued through a joint programme of UNDP and OHCHR. Activities included training (including on human rights-based approaches) and mentoring as well as opportunities to interact with international and regional human rights actors. Significant progress was made in the development of the first strategic plan of the

Office of the Provedor, which benefited from regular consultations involving its regional offices and civil society organizations. Partly as a result of those initiatives, the capacity of the Office of the Provedor showed continued improvement. It remains of concern, however, that the institution is still facing difficulties in implementing its mandate effectively owing to its insufficient budget and lack of staffing, in particular as regards available posts and staff in the districts.

37. UNMIT provided technical and financial support to the Office of the Provedor in its preparation for the Timor-Leste 2011 universal periodic review by the Human Rights Council, including in the areas of enhancing knowledge about the mechanism and designing a plan of action. This included the provision of support to the Office of the Provedor in its cooperation with civil society in the preparation of a joint report to the Human Rights Council, due in March 2011. From October 2010 to 7 January 2011, the Government, with the support of UNMIT and UNDP, held public district consultations on the universal periodic review process. The National Commission on Child Rights, with support from UNICEF, OHCHR and UNMIT, continued public-awareness activities on the Convention on the Rights of the Child.

38. The UNMIT Serious Crimes Investigation Team continued its investigations, under the supervision of the Office of the Prosecutor-General, into cases of serious human rights violations committed in 1999 in 11 of 13 districts. As at 7 January 2011, 184 investigations out of 396 outstanding cases had been concluded, 21 during the reporting period. Eighteen cases are currently under investigation, including two cases relating to alleged gender-based violence. In order to accelerate the pace of investigations into the remaining cases, UNMIT increased the number of Serious Crimes Investigation Team investigating teams from five to 11 and plans to increase it further, to 14, during the first quarter of 2011, in an effort to ensure that all investigations are completed by 2012.

39. UNMIT, in collaboration with United Nations agencies, funds and programmes, continued to give high priority to the zero-tolerance policy on sexual exploitation and abuse, including through the provision of mandatory training for all United Nations personnel, the assessment and monitoring of off-limit locations, and the undertaking of public-awareness programmes on the standards of conduct expected of United Nations personnel. UNMIT also continued its awareness activities under the "UN Cares" strategy. During the reporting period, 344 staff (including 63 women) of UNMIT and United Nations agencies, funds and programmes received HIV/AIDS-related training. In addition, UNMIT provided capacity-building programmes in the areas of gender awareness, domestic violence and human trafficking for 340 (including 82 women) UNMIT police and civilian staff; gender analysis training was also provided to 53 UNMIT police and PNTL officers, including 23 women.

B. Support for capacity-building and strengthening of the justice system

40. According to the statistics released by the Office of the Prosecutor-General, the total number of pending criminal prosecution cases decreased from 5,092 at the end of September to 4,847 at the end of November. During the same period, 828 new criminal prosecution cases were registered, suggesting sustained levels of confidence in the formal justice system, and 787 cases were processed by the Office

of the Prosecutor-General. UNDP provided technical and financial support for the development of a pilot integrated case management system for various justice sector institutions (see S/2010/522, para. 38), which became operational late in October in the Office of the Prosecutor-General, for a three-month trial period. It is planned that, at the end of the trial period, the case management system will be extended to the Office of the Public Defender and the national prison and social reinsertion service, as well as the national police. In coordination with the Prosecutor-General's Office, UNMIT facilitated two workshops that contributed to efforts to enhance cooperation between the police and prosecutors.

41. A work team chaired by the National Director of Prisons, with UNMIT support, was set up in December to establish a policy framework for the management and operations of prisons and social reinsertion in 2011. UNMIT, UNFPA and UNIFEM supported Government outreach and public-awareness initiatives on the law against domestic violence with respect to a range of stakeholders. Twenty national police officers from the Vulnerable Persons Unit completed the gender-based violence investigations course offered by UNFPA. The Legal Training Centre, supported by UNDP, has included training on the law against domestic violence in its curricula for all national judicial actors and incorporated modules on gender-related international instruments in all new training programmes (especially for judges, prosecutors, public defenders and private lawyers).

42. Further progress has been made in meeting the objectives of the medium-term strategy in the area of rule of law, justice and human rights, including in relation to the Justice Sector Strategic Plan for Timor-Leste (see S/2010/522, paras. 4 and 38). Almost half of all investigations related to crimes against humanity and other serious crimes committed between 1 January and 25 October 1999 have been completed by the Serious Crimes Investigation Team. All cases recommended for prosecution by the Independent Special Commission of Inquiry have been taken up for investigation, but only a limited number have been brought to trial, and, in those, a number of individuals were acquitted because of lack of evidence. Key legislation has been drafted and enacted, including the Criminal Code and the law against domestic violence. In addition, draft texts of the land law (and related subsidiary legislation), the expropriation law and the financial fund law were prepared and discussed with the national judicial authorities, civil society and international partners, with technical support from UNDP, and may be considered by Parliament in 2011.

43. The number of national judges, prosecutors, and public defenders increased to 51 (including 14 women), and the transition of international legal actors out of line functions into advisory roles in the justice institutions continued. While the Superior Council for the Public Prosecution and the Superior Council for the Judiciary are functioning, the Superior Council for the Office of the Public Defender is still not constituted, nor is there any independent bar association. UNDP continues to support the Legal Training Centre, which resulted in a strengthening of the capacity of national actors; for example, 56 clerks of the courts and the Office of the Public Defender completed training in 2010. Notable progress has been made in the corrections sector at both the policy and programme levels, resulting in improvements in the prison infrastructure and in the treatment of prisoners. However, many requirements remain to be met, including separate prison facilities for women and juveniles, educational services for juveniles and services for the mentally challenged, as well as vocational training for all prisoners. The Office of

the Provedor for Human Rights and Justice continues to require technical assistance in view of its budget and human resource limitations; in addition, its recommendations to other State institutions are not always implemented. Nevertheless, the Office functions as an independent body and is playing a lead role in the protection and promotion of human rights.

44. Access to justice has improved for some segments of the population, in particular in the rural areas, although the establishment of effective legal aid services in the districts remains a problem owing to the lack of a State-instituted country-wide system. Gender-specific obstacles facing women also remain (see S/2010/85, paras. 82 and 87). The establishment of three mobile courts is a promising initiative aimed at improving access to justice at the district level. Justice forums, supported by UNDP, were also regularly organized by the Office of the Public Defender with the aim of raising awareness and understanding among citizens about the role and mandate of all justice institutions and their interaction with the traditional justice system.

IV. Support for the national priorities programme, socio-economic development and humanitarian assistance

A. Support for the national priorities programme process

45. On 2 December, the third quarterly development partners meeting was held in Dili, chaired by the Deputy Prime Minister and the Minister of Finance, which found that good progress had been achieved in meeting the 2010 national priorities targets which constitute the international compact for Timor-Leste (see S/2008/501, para. 36). UNMIT, in close cooperation with the World Bank, continued to provide support to the national priorities secretariat. The national priorities working groups on justice, agriculture and food security improved their effectiveness. However, the working group on infrastructure has not met since July 2010.

46. On 30 November, the national Millennium Development Goals steering committee, chaired by the Minister of Finance, held its third meeting of 2010. The committee endorsed a comprehensive work plan for 2011, including in the areas of outreach, monitoring and evaluation of the Millennium Development Goals.

B. Socio-economic development

47. Public expenditure continued to drive the expansion of the economy in 2010. In the first half of 2010, inflationary pressure increased steadily, in particular in Dili, owing largely to the sharp increase in international cereal prices. As in previous years, State expenditure is expected to be the main driver of economic development in 2011. The 2011 budget currently being debated by the National Parliament totals approximately $985 million, with substantial funds allocated for infrastructure development.

48. On 20 October, Prime Minister Gusmão released the preliminary results of the 2010 population and housing census, with the full report due for release by April 2011. The census, undertaken in July 2010 by the National Statistics Directorate of the Ministry of Finance with UNFPA support, demonstrates that there was a

reduction in overall population growth rates from 3.32 per cent per annum between 2000 and 2004 to 2.41 per cent between 2004 and 2010. On 10 December, the Secretary of State for Vocational Training and Employment released the main results of the Timor-Leste labour force survey, undertaken by the National Statistics Directorate with the technical assistance of the International Labour Organization (ILO). The survey findings highlight the ongoing challenges regarding livelihood and employment opportunities, including in rural areas and with respect to young people.

49. On 13 December, the Minister of Finance and the Vice-Minister for Health released the final report of the 2009-2010 demographic and health survey, which was also undertaken by the National Statistics Directorate with support from the United Nations country team and bilateral donors. The results reveal that progress has been made in some critical indicators of the Millennium Development Goals since 2003, with reductions in the infant mortality rate, from 60 to 45 deaths per 1,000 live births, and in the fertility rate, from 7.8 to 5.7 births per woman. The survey also confirmed that the under-five mortality rate decreased from 83 to 64 deaths per 1,000 live births (see S/2010/522, para. 46). However, the maternal mortality rate remains high, at 557 deaths per 100,000 live births, and the nutritional status of children is of considerable concern, with 52 per cent of children under the age of five underweight and the growth of 53 per cent stunted.

50. The Government continued to provide food assistance to 295,000 of the country's most food-insecure and vulnerable persons, assisted by the World Food Programme in some areas, through the maternal and child health and nutrition programme, the school feeding programme, the food for work/assets programme and the relief assistance programme. More than 500 tons of blended food were produced locally and distributed to malnourished women and children in three pilot districts (Aileu, Ermera and Oecussi) under the maternal and child health and nutrition programme.

51. During the reporting period, ILO continued to provide assistance to the Secretariat of State for Vocational Training and Employment in addressing the high unemployment rate, in particular among the country's young people. It provided career guidance, successfully mediated job placements and supported skills-training courses for a small number of young people.

52. As part of the country's response to the challenges posed by climate change, the Secretariat of State for the Environment and Reforestation, with assistance from UNDP, drafted the national adaptation programme of action on climate change through an inclusive process involving the Government, civil society, international organizations and the private sector. The summary of the programme document was presented to the United Nations Climate Change Conference, held in Cancún, Mexico, in December 2010. The finalization of the programme also represents the fulfilment of one of the commitments made by Timor-Leste under the United Nations Framework Convention on Climate Change.

53. Inroads have been made towards achieving the objectives and benchmarks of the medium-term strategy in socio-economic development. Although 41 per cent of the population continues to live in poverty, the quality of life of some groups has improved. The Government introduced social welfare packages for the aged and other vulnerable groups as well as labour-intensive infrastructure projects at the community level to provide cash income to poorer households in the wake of the

economic downturn following the violence of 2006. However, sustained improvements in livelihoods and employment opportunities in rural areas remain a challenge. Of particular concern is the high level of unemployment among young people and the resulting potential for disillusionment and social unrest — a continuing key challenge that must be addressed by the Government. People displaced by the events of 2006 have returned and have been gradually integrated into their communities. The Ministry of Social Solidarity processed all 4,600 remaining claims by internally displaced persons, of which approximately 1,000 were identified as eligible for financial compensation (see S/2010/522, para. 52). Ongoing dialogue efforts aimed at supporting sustainable reintegration efforts will be assisted by the work of the Ministry's Department of Peacebuilding and Social Cohesion (see para. 11 above). The disaster-management architecture required to meet future humanitarian challenges is currently under review (see para. 54 below).

C. Humanitarian assistance

54. There were no major humanitarian incidents during the reporting period, although minor localized flooding continued to which the Government responded effectively without any United Nations logistical support. On 2 and 3 December, the Government, with support from UNMIT, the Office for the Coordination of Humanitarian Affairs and UNDP, held a workshop on the "whole of government approach to disaster response" to review existing policies and procedures and develop recommendations for a more effective national disaster-response framework, taking into account the experiences of other countries in the region.

V. Transition preparation

55. Further progress has been made in the transition process. Following the agreement of 17 September to establish a jointly owned transition planning and implementation mechanism to be overseen by a high-level steering group (see S/2010/522, para. 66) and the 10 November briefing by my Special Representative to the Council of Ministers, the President hosted, on 25 November, the first quarterly meeting of the High-Level Committee on Transition, attended by the Prime Minister and other Government representatives, the F-FDTL Commander and the General Commander of the national police, as well as my Special Representative, Deputy Special Representatives and senior management team. It was agreed that the High-Level Committee would guide the process and modalities of the transition. The Committee will review outstanding needs across all areas of the UNMIT mandate in order to establish, jointly with the Government and other relevant stakeholders and partners, what support should be retained until the completion of the UNMIT mandate, including the required staffing levels and profiles. The Committee will also focus on ensuring that UNMIT support, for which there is a continued need beyond the term of the Mission's final mandate, is effectively transferred, as appropriate, to State institutions, bilateral and multilateral partners, United Nations country team entities and civil society.

56. At its 25 November meeting, the High-Level Committee also agreed on the establishment of joint technical working groups that will focus on seven main areas: democratic governance; the police and security sector; the rule of law, justice and

human rights; socio-economic development; mission support and logistics; training for national United Nations staff; and the impact of the Mission's departure on the local economy. The Government and UNMIT lead focal points for each area are expected to ensure that each working group proceeds in a manner that supports national priorities and concerns. The three working groups focusing, respectively, on the police and security sector, mission support and logistics, and the rule of law, justice, and human rights have commenced their work. Other stakeholders, including political parties, civil society and donors, have been, and will continue to be, consulted regularly throughout the transition process, including through meetings and briefings. As mentioned above, the discussions held at the 25 November meeting also focused on the areas of policing and mission support (see para. 23 above).

VI. Financial aspects

57. The General Assembly, by its resolution 64/276, decided to appropriate the amount of $206.3 million for the maintenance of UNMIT for the period 1 July 2010 to 30 June 2011. As at 30 November 2010, unpaid assessed contributions to the Special Account for UNMIT amounted to $37.9 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,746.9 million. Should the Security Council decide to extend the mandate of UNMIT beyond 26 February 2011, the cost of maintaining the Mission until 30 June 2011 would be limited to the amounts approved by the General Assembly.

58. As at 31 December 2010, amounts owed to formed police contributors totalled $2.0 million. Reimbursement of personnel and contingent-owned equipment costs has been made for the periods up to 30 November 2010 and 30 September 2010, respectively, in accordance with the quarterly payment schedule.

VII. Observations

59. It is encouraging that the resumption of primary policing responsibilities by the national police has continued to progress (see paras. 21-23 above) and that completion in all the districts and units is likely in the coming months. This will mark the beginning of the reconstitution phase, at which time UNMIT, pursuant to the arrangements to be agreed upon with the Government (see para. 23 above), will hand over to the national police responsibility for the conduct and the command and control of all operations of the police in Timor-Leste. The new arrangements between UNMIT and the Government will also include elements relating to the UNMIT support to be provided to the police during the reconstitution phase.

60. Following the handover, there will be a continuing need for an UNMIT police presence to support the further institutional development and capacity-building of the national police, as well as to provide operational support if required and requested, until the certification of the full reconstitution and capability of the national police at the end of the reconstitution phase. At the 25 November meeting of the High-Level Committee on Transition, the Government requested, as elaborated on in a presentation made by the General Commander of the national police (see para. 23), an UNMIT police presence through 2012 that would provide, among other things, continued support to the police in areas such as capacity-

building, skills enhancement and specific advisory functions in all districts and units, as well as specialized, targeted training in areas such as criminal investigations, community policing, discipline, administration (including human and financial resource management), operations, border policing, special police units and legal matters. An adequate presence on the part of UNMIT police will be required to perform such substantial capacity-building tasks as well as to provide operational support to the national police in the event of extreme circumstances if so required and requested, including during the critical period of presidential and parliamentary elections in 2012. This will also require the continued presence of UNMIT formed police units, which would have a particularly important role in the provision of training and security support in conjunction with the elections. As the Government has requested bilateral support for the strengthening of the national police in addition to the support to be provided by UNMIT, the Government's coordination of the various support programmes to ensure complementarity will be critical.

61. Meanwhile, the UNMIT police are being reconfigured to take into account the changing nature of their role in Timor-Leste (see S/2010/522, para. 60). The number of UNMIT police, which has already decreased, is planned to further decrease gradually, from the initial authorized strength of 1,608 and the present actual strength of 1,480 to 1,280 by June 2011 (leaving 790 individual police officers and 490 in formed police units). That number of UNMIT police will be maintained through mid-2012, until after the elections, when a rapid drawdown is envisaged, taking into account the situation on the ground and the outcome of an independent assessment of the national police (see S/2010/522, para. 60) as well as that of a United Nations-led police expert assessment, to be conducted subsequently, to consider the UNMIT police reconfiguration for the remainder of the Mission's mandate. UNMIT has expressed its support for such an independent assessment of the national police during the reconstitution phase, as suggested by the Government. Another key component of the joint transition strategy with the Government is the effective transition to bilateral/multilateral and other United Nations partners, as appropriate, of ongoing capacity-building and institutional support to the national police.

62. The Government's decision to finally certify the 52 police officers who face serious disciplinary and criminal charges is of concern and goes against the spirit of the 2006 supplemental policing arrangement. The Government has, however, stated that under no circumstances would those officers be exempt from further criminal and disciplinary procedures. As my Special Representative has done, I urge the Government and judicial authorities to take all measures necessary to ensure the integrity of the national police.

63. Taking account of the wish of the President of Timor-Leste, the President of the National Parliament, the Prime Minister and the leader of the opposition, as conveyed to my Special Representative, and the need for continued support in the critical mandated areas of the Mission, I recommend an extension of the mandate of UNMIT for a further period of 12 months, with the same composition and current authorized levels of personnel, while continuing the gradual decrease of police personnel mentioned above (see para. 61). This recommendation is in line with the Mission's discussions with the Government on transition. The mandate of the UNMIT police should take into account the changing nature of its role and functions

after the beginning of the reconstitution phase of the national police (see paras. 18, 23 and 59).

64. The presidential and parliamentary elections scheduled to be held during the first half of 2012 will be organized by the national electoral management bodies. However, pending the recommendations of the planned electoral assessment mission (see para. 12) requested by the Government, it is envisaged that the United Nations will provide technical and logistical support.

65. The economy of Timor-Leste has recovered remarkably since the 2006 crisis. A near double-digit growth rate has been achieved over the last four years along with a reduction in poverty and an improvement in the human development indicators. With the benefit of petroleum revenues, the amount of the 2011 State budget proposal has quadrupled from that of the 2006 budget. In addition to maintaining the high-growth momentum, the challenge now is to achieve inclusive and sustainable growth by promoting rural development, the private sector and employment generation, especially for youth.

66. The strong emphasis on infrastructure development, as part of the draft National Strategic Development Plan and the proposed 2011 State budget, requires not only an increased execution capacity but also the effective implementation of laws, institutions and mechanisms to ensure transparency and accountability. While such instruments, established to investigate cases of maladministration and corruption, are crucial, it is also important to focus on actively preventing such practices, as has been recognized by the National Parliament, the Government and civil society. Furthermore, continued efforts to reduce urban-rural disparities, support vulnerable groups, and regulate land and property titles and ownership will be important.

67. It is important that continued efforts be undertaken at all levels of society to combat impunity and to engender public confidence in the justice system, including cases identified by the Independent Special Commission of Inquiry. Otherwise, the notable progress achieved thus far in the development of democratic institutions and the rule of law could be undermined, emboldening potential spoilers, and attention could also be diverted from ongoing efforts to promote the country's long-term socio-economic development.

68. In conclusion, I wish to thank my Special Representative, Ameerah Haq, for her leadership, and all of the staff of UNMIT and the United Nations country team for their continued efforts in supporting the people of Timor-Leste in advancing peace, stability and development. I also wish to thank the international security forces for their continued support to UNMIT, including with respect to the maintenance of a stable security situation in Timor-Leste.

United Nations S/2011/33

Security Council

Distr.: General
28 January 2011

Original: English

Letter dated 24 January 2011 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

I have the honour to write to you in your capacity as President of the Security Council for the month of January 2011 and would like to request your kind assistance in circulating as a document of the Security Council the present letter and its annexes: a letter addressed to the Secretary-General by the President of the Republic of Abkhazia, H.E. Sergey Bagapsh (annex I) and a letter addressed to the Secretary-General by the Minister for Foreign Affairs of the Republic of South Ossetia, H.E. Murat Jioev, enclosing the statement of the President of the Republic of South Ossetia, H.E. Eduard Kokoity (see annex II).

An identical letter has been sent to the Secretary-General (A/65/697).

(*Signed*) Vitaly **Churkin**

11-21882 (E) 010211 020211

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Annex I to the letter dated 24 January 2011 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

[Original: Russian]

We highly appreciate the efforts undertaken by the United Nations, over the period 1992-2008, to resolve the Georgian-Abkhaz conflict. The Georgian-Abkhaz negotiations were held under the auspices of the United Nations and the Organization's involvement was key in securing the signing of the basic agreements between Georgia and Abkhazia on the non-use of force, in particular, the Moscow Agreement of 14 May 1994 and the Gagra Protocol of 25 May 1998.

Georgia's aggression, however, and its unilateral violation of the peace agreements, such as the incursion by Georgian troops into the Kodori Gorge in Abkhazia in August 2006, caused an escalation of tensions which then erupted into the war in South Ossetia in August 2008.

Over the entire negotiating process, Abkhazia has unswervingly insisted that, in the settlement of conflicts, there is no alternative to peaceful political dialogue. We also urge Georgia to refrain from the resumption of hostilities in the air, on the water and on land.

Georgia's aggressive policies, its large-scale military actions and its operations against Abkhazia, alongside Tbilisi's flouting of earlier agreements signed under the auspices of the United Nations and with the involvement of the Organization for Security and Cooperation in Europe (OSCE), render us sceptical of the oral "affirmations of peace" by the Georgian leaders.

In this context, Abkhazia once again reiterates its commitment to the preservation of peace and stability in the region and reaffirms its position, enunciated in the Geneva discussions, that it aims to reach agreements not to use force and to launch a process of developing equal and good-neighbourly relations between Abkhazia and Georgia, based on the universally accepted rules of international discourse.

We also deem it important to stress that the Russian Federation, as Abkhazia's strategic ally, shall remain the guarantor of security and the non-resumption of hostilities between Georgia and Abkhazia.

Over the entire history of the conflict, Abkhazia has never instigated any aggression against its neighbour States and has no intention to do so in the future either. We officially declare that, in its relations with Georgia, the Republic of Abkhazia intends to adhere firmly to the universally recognized principle prohibiting the use or threat of force, as stipulated by international law.

At the same time, mindful of past experience, and also the persistent and aggressive de facto policy applied by Georgia against Abkhazia, we reserve the right of self-defence in the air, on the water and on land in the event of an armed attack or other acts of military aggression by Georgia.

In this connection, Abkhazia calls on the United Nations to promote the strengthening between the two sides of their reciprocal commitments not to use force and to refrain from any aggression, and to launch a process of building a new

system of security safeguards, designed to ensure the long-term stable and peaceful co-existence of two States: Abkhazia and Georgia.

(*Signed*) Sergey **Bagapsh**
President of the Republic of Abkhazia

Sukhum, 14 December 2010

Annex II to the letter dated 24 January 2011 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

[Original: Russian]

I have the honour to transmit herewith a statement by the President of the Republic of South Ossetia (see enclosure).

We would be grateful if you could have the statement circulated among the States Members of the United Nations.

(*Signed*) Murat **Jioev**
Minister for Foreign Affairs of the Republic of South Ossetia

Tskhinval, 6 December 2010

Enclosure

Republic of South Ossetia

Statement by the President of the Republic of South Ossetia, Eduard Kokoity

In his latest address to the European Parliament, Saakashvili said that he was ostensibly refraining from the use of force to restore the territorial integrity of his country and would not attack either the Russian "occupation forces", or their "proxies". Translated into plain language, this statement quite simply means that Saakashvili is promising not to use force against South Ossetia.

Statements couched in such terms are hard to take seriously. All the more so since it is high time that the world understood that Saakashvili's pronouncements are completely bogus. As a rule, they are followed by armed attacks on our country. That was the case in 2004 and the same happened again in August 2008. At that time, our own restraint in response to the sustained military provocations and our attempts to find a compromise solution through negotiation failed to ward off a barbaric attack by Georgia.

It is telling that the Georgian forces unleashed their hurricane bombardment of Tskhinval and their massive offensive a mere four hours after Saakashvili's solemn announcement of a ceasefire. Georgia's repeated attacks on our country — in 1920, 1989-1992 and 2004 — resulted in enormous loss of life. Only the prompt evacuation of the civilian population and intervention by Russia prevented tragedy on an even bloodier scale in 2008.

Over the time that has elapsed since the repulsed attack by Georgian forces on South Ossetia in 2008, Georgia has managed not only to restore, but even to augment, the strike capacity of its army. His aggression and crimes against humanity having gone unpunished, Saakashvili continues to plot his military revenge. As things stand today, the Russian forces stationed in the territory of our country on the basis of a bilateral intergovernmental agreement represent the principal guarantee of South Ossetia's security.

Accordingly, we continue to insist on written, legally binding undertakings not to use force, preferably accompanied by international assurances, something that has now been under discussion at the Geneva talks for more than two years. Only under those circumstances can we count on Georgia's adherence to the universally recognized practice of civilized relations. For its part, South Ossetia stands ready to give such undertakings.

At the same time, in response to the Georgian statement, I, as head of the Republic of South Ossetia, do officially declare: our State will not use force against Georgia, its people, its territory or its armed forces. There should be no doubt in anyone's mind about the peaceful nature of our aspirations. We want to build a free and independent South Ossetia, which would live in peace with its neighbours and in which Ossetians, Georgians, Russians and citizens of other nationalities would live peacefully side by side.

It is our earnest hope that one day our State too will be able to rely to the same extent on the assurances of our southern neighbours. In the meantime we reserve the

right, as necessary, of self-defence in accordance with the Charter of the United Nations and, if our worst fears are confirmed, the aggressor will once again be repulsed as he deserves.

(*Signed*) Eduard **Kokoity**
President of the Republic of South Ossetia

Tskhinval, 6 December 2010

United Nations S/2011/34

Security Council

Distr.: General
28 January 2011

Original: English

Letter dated 24 January 2011 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to inform you that the Government of the Sudan wishes to have retained on the list of matters of which the Security Council is seized item 62 in paragraph 3 of the summary statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration (S/2011/10), namely the item entitled "Letter dated 20 February 1958 from the representative of the Sudan addressed to the Secretary-General" (S/3963).

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

11-21930 (E) 310111

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United Nations S/2011/35

Security Council

Distr.: General
28 January 2011

Original: English

Identical letters dated 21 January 2011 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instruction from my Government and with reference to the summary statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration (S/2011/10), I have the honour to request that item 72 listed in paragraph 3 of the document, namely "The situation between Iran and Iraq", be retained on the list of matters of which the Security Council is seized.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

11-21936 (E) 010211

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United Nations A/65/699–S/2011/36

General Assembly
Security Council

Distr.: General
28 January 2011

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General Assembly
Sixty-fifth session
Agenda item 34
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-sixth year

Identical letters dated 26 January 2011 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the statement of the Ministry of Foreign Affairs of Georgia concerning the deployment by Russia of the Tactical Operational Missile Complex on the occupied territories of Georgia (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the sixty-fifth session of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) Alexander **Lomaia**
Ambassador
Permanent Representative

11-21921 (E) 020211

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Annex to the identical letters dated 26 January 2011 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia on the deployment by Russia of the Tactical Operational Missile Complex on the occupied territories of Georgia

Based on the source of the law enforcement agencies of the Southern Federal District of the Russian Federation, Russian news agencies spread reports on 24 January 2011, according to which an additional battalion of the Tactical Operational Missile Complex "Tochka-U" with a range of 120 kilometres was deployed on the so-called military base of the Russian Federation, in the Russian-occupied Tskhinvali region of Georgia. In addition, as the Russian Ministry of Defence announced in December 2010, an artillery battalion equipped with Smerch multiple-launch rocket systems with a range of 70-90 kilometres was stationed in the vicinity of Tskhinvali.

It needs to be emphasized that it was with the use of "Tochka-U" systems that the Russian Federation completely destroyed the city of Bamut (Republic of Chechnya) and eliminated its peaceful population. The ballistic missiles of this system can be equipped with cluster warheads (consisting of 50 bomblets) and nuclear warheads.

The deployment of the Tactical Operational Missile Complex "Tochka-U" and the artillery battalion equipped with Smerch multiple-launch rocket systems poses a direct and overt threat to the peaceful population and territory of Georgia. By taking such actions, Russia follows through with its aggressive policy directed towards the destruction of the Georgian statehood and elimination of the peaceful population of Georgia, as well as towards causing large-scale instability in the Caucasus and throughout the Black Sea region.

The deployment of the offensive rocket systems in the occupied region points clearly to the Russian Federation's plans to launch open military aggression against Georgia.

The Ministry of Foreign Affairs of Georgia demands strongly that the international community, international organizations and partner countries adopt active and effective measures in order to pressure Russia to end its aggressive policy against Georgia, fulfil its international commitments, including the 12 August 2008 ceasefire agreement, undertake a commitment on the non-use of force and ensure the full and immediate de-occupation of the Georgian territory.

Tbilisi, 24 January 2011

United Nations S/2011/37

Security Council

Distr.: General
28 January 2011

Original: English

Letter dated 26 January 2011 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1540 (2004), I have the honour to refer to paragraph 9 of Security Council resolution 1810 (2008) and to transmit herewith a decision of the Committee regarding the extension of its ninth programme of work until 25 April 2011:

The Committee decided:

(a) To approve the extension of its ninth programme of work to cover the period from 1 February to 25 April 2011;

(b) To revise its current programme of work by including the following:

"By 24 April 2011, the Committee will submit to the Security Council a report on compliance with resolution 1540 (2004) through the achievement of the implementation of its requirements."

The Committee would appreciate it if the present letter were brought to the attention of the members of the Security Council.

(*Signed*) Baso **Sangqu**
Chairman
Security Council Committee established
pursuant to resolution 1540 (2004)

11-21861 (E) 310111

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United Nations S/2011/38

Security Council

Distr.: General
28 January 2011

Original: English

Letter dated 25 January 2011 from the Secretary-General to the President of the Security Council

I have the honour to refer to Security Council resolution 1757 (2007) and its annex relating to the establishment of the Special Tribunal for Lebanon (the "Special Tribunal"). Pursuant to article 2, paragraph 5 (d), of the annex, I am to appoint the judges of the Special Tribunal upon the recommendation of a selection panel I establish after indicating my intentions to the Security Council. The panel is to be composed of two judges, currently sitting on or retired from an international tribunal, and the representative of the Secretary-General.

I wish to inform the Security Council of my intention to appoint a selection panel in accordance with the above-mentioned provisions to select a replacement for Judge Bert Swart (Netherlands), who is no longer able to perform his functions due to ill health, and to select a roster of three to four suitable candidates who could be appointed as judges on short notice should additional vacancies arise at the Special Tribunal in the near future. The Office of Legal Affairs of the Secretariat has commenced the process of identifying the two judges of the selection panel. Either Ms. Patricia O'Brien, Under-Secretary-General for Legal Affairs, the Legal Counsel, or Mr. Stephen Mathias, Assistant Secretary-General for Legal Affairs, shall join the selection panel as my representative.

(*Signed*) **BAN** Ki-moon

11-21950 (E) 310111

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United Nations S/2011/39

Security Council

Distr.: General
28 January 2011

Original: English

Letter dated 28 January 2011 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 25 January 2011 (S/2011/38) concerning your intention to appoint a selection panel, in accordance with article 2, paragraph 5 (d), of the annex to resolution 1757 (2007), has been brought to the attention of the members of the Security Council. They take note of the intention and information contained in your letter.

(*Signed*) Ivan **Barbalić**
President of the Security Council

11-21956 (E) 310111

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United Nations S/2011/40

Security Council

Distr.: General
28 January 2011

Original: English

Letter dated 24 January 2011 from the Chair of the Security Council Committee established pursuant to resolution 1518 (2003) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1518 (2003) (see annex), containing an account of the Committee's activities from 1 January to 31 December 2010. The report, which was adopted by the Committee on 14 January 2011, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) U. Joy **Ogwu**
Chair
Security Council Committee established
pursuant to resolution 1518 (2003)

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Annex

Annual report of the Security Council Committee established pursuant to resolution 1518 (2003)

1. The present report of the Security Council Committee established pursuant to resolution 1518 (2003) covers the period from 1 January to 31 December 2010.

2. The previous report of the Committee, submitted to the Security Council on 22 December 2009 (S/2009/671), covered the period from 1 January to 31 December 2009.

3. For 2010, the Committee's bureau consisted of U. Joy Ogwu (Nigeria) as Chair and the delegation of Japan as Vice-Chair (S/2010/2).

4. The Committee was established by Security Council resolution 1518 (2003) of 24 November 2003 to continue to identify, in accordance with paragraphs 19 and 23 of resolution 1483 (2003), individuals and entities whose funds, other financial assets and economic resources should be frozen and transferred to the Development Fund for Iraq.

5. The Committee's list of individuals established pursuant to resolution 1483 (2003) currently contains 89 names; the Committee's list of entities established pursuant to the same resolution contains 208 names. These lists are available on the Committee's website: www.un.org/sc/committees/1518/index.shtml.

6. Although the Committee did not hold any meetings in 2010, it continued to consider relevant issues brought to its attention. In particular, the Committee received a letter dated 14 July 2010 from the Permanent Representative of Iraq to the United Nations concerning two individuals included in the Committee's list of individuals. In a letter dated 29 December 2010, the Chair replied to the Permanent Representative of Iraq to the United Nations and provided an update on the individuals concerned.

7. Several issues brought to the Committee's attention in 2007 remained pending in 2010 and continue to be under the Committee's consideration. The Chair has facilitated consultations with the relevant Committee members with a view to resolving these outstanding matters promptly.

Observations

8. The Committee wishes to recall that the Security Council decided, in resolution 1518 (2003), that the mandate of the Committee would be kept under review, and that the Council would consider authorizing the Committee to undertake the additional task of observing Member States' fulfilment of their obligations in connection with the arms embargo on Iraq as reaffirmed in paragraph 10 of resolution 1483 (2003). To date, the Committee has not been authorized to undertake any additional tasks in this regard.

9. Thus the remaining prohibitions on the supply of arms to Iraq (which excludes arms and related materiel required by the Government of Iraq) are not currently accompanied by a Security Council mechanism, such as a Security Council committee or a monitoring mechanism with a mandate to oversee implementation of these particular measures. In this connection, the Committee would like to recall that the Council, in its resolution 1546 (2004), stressed the importance for all States

to abide strictly by the remaining measures and called upon the Government of Iraq to ensure that appropriate implementation procedures are in place.

10. The Security Council may wish to consider revisiting the issue of the Committee's mandate, pursuant to paragraph 3 of resolution 1518 (2003), and in the light of the changing circumstances in Iraq. In this connection the Committee wishes to recall that by paragraph 5 of its resolution 1956 (2010), the Council directed the termination of the Development Fund for Iraq no later than 30 June 2011. The Committee notes that the termination of the Development Fund for Iraq could affect the ability of States to transfer funds in accordance with paragraph 23 of resolution 1483 (2003).